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DO OUR PEOPLE WANT AN ARBITRARY GOVERNMENT?

BY WILLIAM F. SHEEHAN.

WE have before us three documents, which may be accepted, we presume, as authoritative expositions of the grounds on which the American people are invited to give the Republican party a further lease of power. These documents are the speech made by ex-Secretary Root, as temporary chairman of the Chicago Convention; the platform adopted by that body, and the speech in which Mr. Roosevelt accepted the nomination.

It will be observed that the Republican programme, as it may be deduced from those utterances, is singularly barren of promises. We scan it in vain for any definite commitments to economy in the national expenditures, to an immediate and reasonable revision of the tariff, to a more drastic prosecution of the unlawful Trusts, to an early recognition of Filipino independence, to a sedulous observance of constitutional limitations in the conduct of the Federal Government, to a vigilant avoidance of involvement in foreign complications and to a renouncement of the notion that the United States are charged with an evangelizing mission to remote and alien peoples. So far as pledges of affirmative action or self-denying covenants are concerned, the Republican party, or the Chief Magistrate who personifies it, will be at liberty to do, or to refrain from doing, almost anything it or he may choose, if a new mandate be secured from the voters on the strength of the vague, reserved, elusive, ambiguous declarations made in the three official or semi-official documents to which we have referred. Mr. Root, the Chicago platform and Mr. Roosevelt himself, concur practically in the assertion that professions and promises on the part of the Republican party would be superfluous, because that party "stands upon its record," and, in view of its past achievements, is

justified in requesting a *carte blanche* for the future. They also concur in adding that while the Republican record constitutes a conclusive voucher of continued fitness for power, the Democratic record presents a tissue of disqualifications, the inference suggested being that to substitute the one party for the other in control of the Federal Government would be an act of lunacy.

It, therefore, behooves thoughtful citizens, who stand outside of partisan lines and hold the balance of power, to inquire whether it be true that performances must always count for more than promises; whether a political party can base upon its record an indefeasible title to continuance in office; whether the Republican record is, as a matter of fact, so free from cloud or blemish as it is depicted; whether, in truth, the Republican party is not, at present, so thoroughly incarnate in Mr. Roosevelt's personality that, mainly if not exclusively, its record must now be sought in the words and the deeds of its nominee; and whether, finally, the Democratic programme as expounded by the wisdom and guaranteed by the character of Chief-Judge Parker, and as accredited by the applause of the conservative leaders who pointed Democrats the way to victory in 1884 and 1892, and whose co-operation is again accepted with cheerfulness and confidence in the campaign now begun, does not justify sober-minded, peaceful, prudent and patriotic voters in regarding the reunited Democracy as a refuge from misgiving and alarm, from the danger of Executive usurpation and extravagance, from the sting of arbitrariness and the yoke of militarism, from disdain of precedent and contempt of law, and from warlike adventures for gain and glory.

I.

There is, of course, nothing new in the claim of a political party to base on past achievements a title to the prolonged retention of public confidence. When in Great Britain the younger Pitt became Prime Minister in December, 1783, the Whigs had enjoyed an unbroken lease of power for seventy years, and in the eyes of their leaders the attempt to supersede them was shocking and almost impious. Nevertheless, a few months later, they sustained an overwhelming defeat at the hands of the constituencies, and the Tory party regained ascendancy, which, except for a brief interval, they continued to hold for forty-six years. If parties ought to be judged by their past performances rather than by their

promises, the Whigs ought to have triumphed in England in 1784, and the Tories in 1830-32; for the former could say with truth that their country owed to them their liberties, and the latter could point with justifiable pride to the dauntless courage and splendid success with which they had carried their native land through the Titanic wars against the French Republic and French Empire. If it be a fact that the record of a party suffices to shield it from defeat, John Adams must have beaten Thomas Jefferson in 1800; for none could deny that the Federalists, during the twelve preceding years, had proved the Constitution to be workable, had solved the problems of the Continental and State debts, had created a stable and efficient government and had brought the Republic safe through a whirlpool of foreign complications. If ever in history a political organization could find in bygone services a voucher of continuing trustworthiness, it was the Republican party in 1876, when Appomattox was but eleven years away; yet we need not recall that its draft on the public confidence was dishonored, so far, at least, as the popular vote for Hayes and Wheeler was concerned.

It is, then, historically true, as it is philosophically just, that political parties cannot be permitted to live indefinitely on their records. New conditions require new measures; new times, new men. In the economical, political and international development of a people, there are certain to arise conjunctures when it becomes a matter of imperative, urgent and vital importance to know, not what a given party has done, but what it means to do; to consider, not what a particular citizen, who is a candidate for public office, may have accomplished under other circumstances, but how he would be likely to meet existing exigencies, or deal with a threatened predicament. John Adams failed to secure a majority of the Presidential electors in 1800, because there was a prevailing impression that the Federalists had gone too far in the way of promoting a centralized and arbitrary government, and that a wholesome corrective was needed in the shape of a Democratic reaction. If a majority of the voters testified their wishes to make Samuel J. Tilden President in 1876, it was because they believed him qualified and determined to purge the Federal Administration of corruption, and because they had no faith in the professed willingness of Republicans to perform the task of self-purgation. This year the Republicans are taking, with reference

to the public demands, necessities and misgivings, the same unsatisfying ground which they occupied in 1876; they try to fasten attention on the victorious conduct of the war with Spain, and to blot from remembrance the hundreds of millions which the retention of the Philippines has cost us; they recall with complacency their establishment of the gold standard, which nobody dreams of disturbing; pluming themselves on a prosperity which, once in a decade, recurs with clocklike regularity, and which is already vanishing, they turn an indifferent ear to the demand for tariff revision; they eschew, as we have said, definite promises and steer clear of explicit pledges which it might be awkward to fulfil; they treat, in fine, the national gratitude as an inexhaustible fund, and exact unlimited discretion by way of interest on the debt under which they assume to have placed the country.

We submit that the claim of the Republican party to stand upon its record came to an end in 1900; that, by eight years of power, it has been amply paid for whatever good work it accomplished under the McKinley Administration; and that, for so much of its record as has been made up since the accession of the present President, it is called upon to defend itself, and to show cause why a writ of ejectment should not issue. As a matter of fact, however, not even an attempt is made, in the Chicago platform or in the President's speech of acceptance, to convince the people that there is ground for expecting anything more to be done by Republicans in the line of tariff revision during the next four years than has been effected in the last three; or for counting upon more prudence, self-restraint, conservatism and respect for law on the part of Mr. Roosevelt in a second term than he has exhibited in his first.

II.

In examining the question whether their record during the last three years is one on which Republicans can reasonably appeal to the country, we must keep steadily in view the fact that it is impossible to differentiate Mr. Roosevelt from his party. It was quite practicable to distinguish General McClellan in 1864 from the dominating element in the Democratic Convention of that year, for he repudiated the principal plank in that convention's platform. Nor can it be denied that distinctions may be drawn between the views of Chief-Judge Parker on some momentous questions and those which, for a time, preponderated in this year's

Democratic Convention, or between the platform framed at St. Louis and his lucid, coherent, sober speech of acceptance. Between Mr. Roosevelt, however, and the Republican National Convention, or between his speech of acceptance and the platform put forward at Chicago, not the minutest line of cleavage is traceable or conceivable, because Mr. Roosevelt held that convention in the hollow of his hand; designated the presiding officers; prescribed the nominations; dictated in advance the platform, of which his speech of acceptance was, logically and inevitably, only a belated echo. In a word, Mr. Roosevelt is the Republican party, if identity of substance be deducible from absolute acquiescence and the total absence of dissent, protest or insubordination. It follows that, when Mr. Root spoke, and when we speak, of the Republican record during the last three years, he meant and we mean, necessarily and exclusively, Mr. Roosevelt's record. It is the President's record, and nothing else, that is the primary, the fundamental, the absorbing issue in this canvass, upon which judgment is to be pronounced at the ballot-box next November. Do the people approve of this record, and of the personality which it unmistakably reveals? If they give Mr. Roosevelt a second term, they will do it with their eyes open, and they cannot afterwards fairly complain of any act on his part which shall be plainly deducible from traits, proclivities and tendencies already disclosed.

Let us look at Mr. Roosevelt's record, of which both he and his party seem to be proud, and with which, undoubtedly, both must stand and fall. We are far from asserting that something may not be said, in the forum of ethics, or from the view-point of temporary expediency, for some of Mr. Roosevelt's acts, to which, nevertheless, exception may be justly taken by scrupulous and far-sighted observers of constitutional and statute law. Let us concede that the President's interposition in the anthracite-coal strike may have been the outcome, not of a craving for popular support, but of a generous impulse, an altruistic desire to relieve a considerable section of the community on the Atlantic seaboard from the hardships caused by a dearth of their customary fuel. From the moment, however, that Mr. Roosevelt swore to obey the Constitution and the laws of the United States, he was no longer at liberty to gratify a sympathetic yearning, unless he could find a warrant for such gratification in the text of the Federal organic law, or in some construction thereof by a Federal tribunal. It is

certain that none of the cases for Federal intervention specified in the Constitution existed in the anthracite region; yet it does not appear that Mr. Roosevelt consulted with his Attorney-General as to the legality of his proposal to mediate between the striking miners and their employers. It may be affirmed with confidence that no counsel learned in the law could have pointed the President to any constitutional authority for such mediation. The President must, therefore, have acted on his own initiative, and it follows that, however exemplary his intention may have been, and however salutary the effect of his act, he established a precedent which, in other hands, and under other circumstances, may be turned to dangerous account.

Much the same thing may be, and ought to be, said about the course which Mr. Roosevelt pursued with an eye to the acquisition of the Panama Canal franchise. Unquestionably, an inter-oceanic waterway is needed by the United States for strategic as well as commercial purposes; and, unquestionably, the Bogota Executive had agreed to sell the franchise for a specified sum. It is equally indisputable, however, that the Colombian Congress technically had as much right to reject the compact as our own Senate might have asserted, and that, the canal agreement made in Washington having been brushed aside at Bogota, our relations with Colombia should have reverted to the *status quo ante*, and been governed by the Treaty of 1846. It is impossible to reconcile the obligations contracted by us in the last-named Treaty with Mr. Roosevelt's stiff-necked refusal to permit the Colombian authorities to recover by force control of the Isthmus of Panama. To comprehend what Colombians must think of the refusal, we need only ask ourselves what we should have thought in April, 1861, if Great Britain, determined to assure a continued outflow of raw cotton from her principal purveyor, had forbidden us to relieve Fort Sumter. Here, again, we concede that Mr. Roosevelt may have acted for what he believed to be the best interests of his country; but is there not a lamentable want of foresight in the assumption that the United States can afford to stand before the world as a violator of treaties, as the despoiler of a sister commonwealth too feeble and friendless to resist?

III.

Let us pass to some of Mr. Roosevelt's acts and utterances, less easily defended by the plausible plea of good intentions, or on the

score of ostensible expediency. We observe, first, that, in his speech of acceptance, as in the Republican platform, every word of which was dictated or approved by him before it was laid before the Chicago Convention, the President, although at one time a strenuous opponent of high protection, has nothing but eulogy for the Dingley tariff, an embodiment of protection carried to the extreme of prohibition. He has repudiated the position taken by President McKinley at Buffalo, where the urgent need of reciprocity and revision was acknowledged, and he has concurred without hesitation or qualification in the preposterous claim set up by the "Stand-patters" that, if any change in the tariff should conceivably be desirable at some distant day, the formulation of the change should be entrusted only to the men who have profited by its abuses, and who for the last three years have refused to permit any change whatever, except in the matter of a trivial concession to Cuba. By the disavowal of his earlier opinions, and by the violation of the assurances given on his accession to the Presidency, that he would faithfully carry out the policies and the purposes of his predecessor, Mr. Roosevelt has disclosed a willingness to sacrifice cherished convictions and solemn promises to personal ambition and self-interest. This, in the teeth of his professed determination to do fair and equal justice to all men.

The Cabinet which Mr. Roosevelt inherited from his predecessor has been subjected to drastic reconstruction, for no reason, apparent to the ordinary mind, except a determination to place at the head of the Republican National Committee the Secretary of the Department of Commerce, who, with the inquisitorial facilities at his disposal, must have acquired exhaustive information concerning the inner workings of corporations and combinations which are objects of popular denunciation, but from which campaign contributions may be insidiously extracted. How is it possible to apply such adjectives as frank, open, manly, straightforward, to a proceeding so suspicious? How can we marvel that a fair-minded onlooker like Mr. Joseph Pulitzer should have been impelled to ask in his open letter to the President: "What, save a consuming ambition to be elected Chief Magistrate in your own right, could have led you to convert your former confidential secretary and favorite trust-investigator into a professional 'trust-fat-fryer'?"

It was, of course, in the interest of his *protégé*, former Assistant-

Surgeon Leonard Wood, that Mr. Roosevelt created another mischievous precedent, when he called into existence a "constructive recess" between the extra session and the first regular session of the Fifty-eighth Congress, which, as a matter of notorious fact, were merged in one another. It may be said that the performance had no serious consequences; but they who take this indulgent view fail to perceive that the President now betrayed a disposition to disregard a specific mandate of the Constitution, in pursuance of which the commission of Major-General granted to Leonard Wood should have expired at the end of the extra session. That is to say, having presumed, in the anthracite-coal strike, to exercise powers for which no warrant could be found in the Constitution, Mr. Roosevelt was emboldened by impunity to go further, and, in the assertion of a "constructive recess," to defy an explicit prohibition. Neither will the voters fail to mark that this indication of disdain for the limitations of the Constitution was but the culminating demonstration of an inflexible resolve to promote Wood over scores of older and abler men, honored veterans of the Civil War; a promotion which has shocked and demoralized the Regular Army.

We have not yet come to the end of the evidences of contempt for law, which Mr. Roosevelt has not scrupled to afford even now, when, as yet, he is only President by a deplorable accident, and when, as being a candidate for election to the office, he would be restrained by ordinary caution from giving full rein to his natural inclinations. We need not say that Congress alone is clothed by the Constitution with the power to define the qualifications for a pension. Those qualifications have been set forth explicitly in Federal statutes. Nevertheless, Mr. Roosevelt, by an "Executive order," has announced that the attainment of a particular age shall constitute *prima facie* proof of the physical and mental disability which, by law, entitles certain specified classes of persons to the receipt of pensions.

IV.

If, even in matters of *domestic* administration, and while he is, so to speak, only a President on probation, Mr. Roosevelt has not been able to conceal his impatience of constitutional restraints, to what lengths may he not be carried by a self-willed and domineering temper, in his relations with *foreign* Powers, when he is no longer bridled by the fear of reprobation at the ballot-box, but is

stimulated by the knowledge that the voters, fully alive to his choleric and pugnacious disposition, have deliberately given him a free rein? Can the danger of international embroilment be underrated by thoughtful men, who appreciate how vast and elastic are the war powers of a President, and how easily a Chief Magistrate, under our Constitution, can contrive a pretext for calling those powers into exercise? The right of formally declaring war is reserved by our organic law to Congress; but, as one of Mr. Roosevelt's predecessors is said to have pointed out, the President may, at any time, force Congress into hostilities. It is well known that, in 1846, President Polk brought on a war with Mexico by ordering our troops into disputed territory. There is no doubt, also, that a President may, by his Executive order, by his negotiations, or by his refusal to negotiate, so entangle us in a foreign complication, that it may be impossible for Congress to withhold a declaration of war.

When, moreover, hostilities have been formally begun, the war power of a President has been justly described by Mr. Bryce as that of a dictator. Under President Lincoln, this power was carried to an extreme that could scarcely be surpassed in despotic principle, for it involved the substitution of military for civil authority and the arbitrary suspension of the writ of *habeas corpus*. The tremendous capabilities of an American Chief Magistrate in respect of provoking wars, and of usurping supremacy under the pretext of waging them, have never been as yet thoroughly revealed, because, down to the present time, our Presidents have been, by nature and discipline, conservative and cautious men. No careful student of our Constitution has ever expressed a doubt, however, that, if a Cæsar or a Napoleon should ever become President, he could make of the Executive almost anything he wished.

Do prudent citizens, who wish to see their country shielded from foreign entanglements, deem it safe to entrust the war-provoking and war-waging powers of a President to Mr. Roosevelt, in view of the proofs that he has given of a bellicose, reckless and meddlesome spirit, by the despatch of war-ships to Beirut, Morocco and Smyrna, on insufficient information or with impossible demands; and in view of his startling intimation to Latin-American republics that, unless they not only make reparation for public wrongs, but pay promptly to foreign creditors all debts arising out of contracts, they may look for coercive intervention on the part

of the United States? Do our citizens really mean to authorize their Chief Magistrate to act as judge, jury and sheriff in the case of every European claim put forward against delinquent or bankrupt commonwealths of the New World?

V.

The American people are not forced to accept Mr. Roosevelt for a pilot, nor his dangerous conception of a President's duty for a chart, during the quadrennial voyage which will begin on March 4, 1905. They have before them an alternative; and they will only have themselves to blame if their heedless or perverse neglect to take it shall prove to them hereafter a source of bitter regret and sorrow. In an hour of enlightenment and patriotic fervor, when perhaps they builded better than they knew, the Democratic party put forward at St. Louis, for the august, commanding and largely judicial office of Chief Magistrate, a man who, in temperament, character, experience, training, methods, ideals and aspirations, is the antithesis of Mr. Roosevelt. That man's record is a life spent upon the bench, where he has been taught to subordinate ambition to duty, where loyalty to law has become as the breath of his nostrils, and where he has learned to steer by the pole-star of the common weal. How he would guide the ship of state, if the helm should be confided to his hand, may be seen from his speech of acceptance, in which his principles and intentions are stated in modest, clear, plain, unmistakable language, instinct with simplicity, sobriety and truth. He promises no more than he believes he can perform; he makes no professions which he has no hope of translating into acts. Of this, at least, however, his fellow countrymen may feel assured, to wit, that, if they shall make Alton Brooks Parker their Chief Magistrate, they will enter upon an era of safe, economical, unpretentious, constitutional administration, a reign of law, a régime of peace.

WILLIAM F. SHEEHAN.